

REMARKS/ARGUMENTS

Claims 1-21 were presented and examined. The Examiner rejected claims 1-21 under 35 USC § 103(a), as being unpatentable over Takahashi *et al.* (U.S. Patent No. 5,999,162), hereinafter "Takahashi", and further in view of Lefave (U.S. Patent No. 6,704,012), hereinafter "Lefave". In this response, Applicant has not amended any claims. Claims 1-21 remain pending.

Claim rejections under 35 USC § 103(a)

The Examiner rejected claims 1-21 under Section 103(a) as being unpatentable over Takahashi in further view of Lefave. In response, Applicant respectfully requests the Examiner to withdraw Lefave as a prior art reference in this case. The Lefave patent is prior art only under the provisions of 35 USC § 102(e). The claimed invention and the subject matter of Lefave were, at the time the invention was made, owned by or subject to an obligation of assignment to a common entity, namely, IBM Corporation. Under the provisions of 35 USC § 103(c), the Lefave patent shall not preclude patentability of the present invention under Section 103(a). Accordingly, Applicant would respectfully request the Examiner to withdraw Lefave as a prior art reference. Because the Office Action relies on Lefave for the rejection of all claims, Applicant would respectfully request the Examiner to withdraw the Section 103(a) rejection and recognize the pending claims as allowable over the cited references.

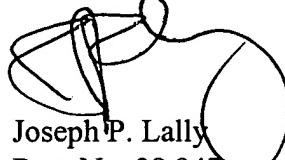
In this response, Applicant has addressed the Examiner's claim rejections under 35 USC § 103(a). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any

Commissioner for Patents
Amendment dated November 24, 2004
Response to Office Action dated August 24, 2004
Page 7 of 7

Serial: 10/075861
Art Unit: 2179
Examiner: Hanne
Docket No. RPS9 2001 0150 US1

questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,



Joseph P. Lally
Reg. No. 38,947
ATTORNEY FOR APPLICANT(S)

LALLY & LALLY, L.L.P.
P.O. Box 684749
Austin, Texas 78768-4749
512.428.9870
512.428.9871 (FAX)

JPL/mmm